

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHARLES DUNN,	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 5:14-cv-100 (MTT) (CHW)
	:	
STATE COURT OF BIBB COUNTY, GEORGIA,	:	
	:	
Respondent.	:	Proceedings under 28 U.S.C. § 2254 Before the U.S. Magistrate Judge
	:	

RECOMMENDATION TO DISMISS

On January 30, this Court ordered Petitioner Charles Dunn to supplement his petition by providing additional information concerning both his probation status and the nature of his participation in a Family Violence Intervention Program. (Doc. 10). On February 27, no supplement having been filed, the Court ordered Plaintiff to show cause, on or before March 16, as to why this case should not be dismissed for failure to prosecute. (Doc. 11).

As of today's date, Petitioner has neither supplemented his petition nor responded to the Court's show cause order. Additionally, Respondent has informed the Court that Petitioner is no longer participating in a Family Violence Intervention Program, and also that, as of today's date, Petitioner is no longer on probation. (Doc. 12).

Because Petitioner has failed to comply with this Court's orders to provide additional information, and because, moreover, the information that is available to the Court suggests that Petitioner is no longer "in custody," it is **RECOMMENDED** that this habeas action filed under 28 U.S.C. § 2254 be **DISMISSED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, WITHIN FOURTEEN (14) DAYS after being served with a copy thereof. The District Judge shall make a de novo determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are further notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED, this 24th day of March, 2015.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge